

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LANCE TOLAND,)
Plaintiff,)
)
v.)
) CIVIL ACTION NO.:
) 1:16-cv- 04236-WMR
THE PHOENIX INSURANCE)
COMPANY,)
Defendant.)

DEFENDANT'S MOTION FOR SANCTIONS

COMES NOW, The Phoenix Insurance Company (“Phoenix”), Defendant in the above-styled action, and without waiving any rights or defenses pursuant to F.R.C.P. 41(b) and 37, and requests the imposition of sanctions on Plaintiff under F.R.C.P. 37 in the form of the exclusion of Doc. 100, Doc. 100-1, Doc. 1-2, Doc. 100-3, Doc. 100-4, Doc. 100-5, Doc. 100-6, Doc. 100-7, Doc. 100-8, Doc. 100-9, Doc. 100-10 and Doc. 100-11 from use as evidence at trial. In support of its Motion, Phoenix relies upon the following:

1. Exhibit A, Phoenix’s First Requests for Production of Documents to Plaintiff, dated February 16, 2017;

2. Exhibit B, Plaintiff's Responses to Plaintiff's First Requests for Production of Documents;
3. Exhibit C, Affidavit of Karen K. Karabinos;
4. All documents and pleadings filed in the above-styled action at the time this Motion is filed;

Respectfully submitted this 24th day of January, 2020.

DREW, ECKL & FARNHAM, LLP

/s/ Karen K. Karabinos
Georgia Bar No. 423906

/s/ Mary Alice L. Jasperse
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Counsel for Defendant certifies that this pleading complies with Local Rule 5.1.
The type is Times New Roman, 14 point.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have filed **DEFENDANT'S MOTION FOR SANCTIONS** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following counsel of record:

Jason H. Coffman
3280 Peachtree Road, NE
Suite 700
Atlanta, GA 30305

This 24th day of January, 2020.

/s/ Mary Alice L. Jasperse
Georgia Bar No. 971077
Counsel for Defendant Phoenix

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